

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 59th LEGISLATURE - REGULAR SESSION

SELECT COMMITTEE ON EDUCATION

Call to Order: By **CHAIRMAN MONICA LINDEEN**, on February 15, 2005
at 3:20 P.M., in Room 472 Capitol.

ROLL CALL

Members Present:

Rep. Monica Lindeen, Chairman (D)
Rep. Bill E. Glaser, Vice Chairman (R)
Rep. Norma Bixby (D)
Rep. Tim Dowell (D)
Rep. Dave Gallik (D)
Rep. Verdell Jackson (R)
Rep. Bob Lake (R)
Rep. Holly Raser (D)

Members Excused: None.

Members Absent: Rep. Jon Sonju (R)
Rep. Pat Wagman (R)

Staff Present: Connie Erickson, Legislative Branch
Kim Leighton, Committee Secretary
Chris Lohse, Legislative Branch
Eddy McClure, Legislative Branch
Jim Standaert, Legislative Branch

Please Note. These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing & Date Posted: HB 471, HB 624, HB 634, HB 309,
2/11/2005

Executive Action:

CHAIRMAN MONICA LINDEEN opened with general housekeeping issues.

HEARING ON HB 471

Sponsor: REP. JOHN ROSS, HD 60, ABSAROKEE

Opening Statement By Sponsor:

REP. ROSS stated that this bill is a constitutional amendment that allows the Governor to appoint the State Superintendent of Public Education rather than through a general election of the people. He spoke of the duties of the State Superintendent and requirements to be elected. He also stated that this bill is a means of combining politics and education.

{Tape: 1; Side: A; Approx. Time Counter: 0 - 8.7}

Proponents' Testimony:

{Tape: 1; Side: A; Approx. Time Counter: 8.7 - 8.9}

Opponents' Testimony:

Linda McCulloch, State Superintendent, Office of Public Instruction(OPI), stood in firm opposition to HB 471. She spoke of the value of our education system. She stressed the importance of the citizens right to elect public officials. **Ms. McCulloch** stated that she does not comprehend how HB 471 will benefit the children.

{Tape: 1; Side: A; Approx. Time Counter: 8.9 - 11.2}
(REP. PAT WAGMAN entered.)

Elaine Herman, representing herself, agreed with Ms. McCulloch. She believes someone runs for the position of State Superintendent for two reasons: (1) power and prestige, (2) compassion for the children. **Ms. Herman** stated, "There should never be a time when a politician knows better than the people." She added that this bill implies that the people are not capable of choosing the right candidate.

Lance Melton, Montana School Board Association(MTSBA), stated his agreement with the former opponents to this bill. He claimed that politics can be taken out of education sometimes. The constitutional delegates wanted the people to elect this position; that's the way it should continue.

Erik Burke, Montana Education Association-Montana Federation of Teachers (MEA-MFT), stated his belief that partisan politics in decreased when the people vote. It is also his belief that the State Superintendent was generated to shield education from politics.

{Tape: 1; Side: A; Approx. Time Counter: 11.2 - 25.3}

(REP. JON SONJU entered.)

Darrell Rud, School Administrators of Montana (SAM), offered his opposition to HB 471.

Brad Martin, Executive Director, Montana Democratic Party, claimed that this bill deals with multiple issues of the constitution. This bill does not make sense. He attested that HB 471 does not serve the people of Montana.

Alicia Pichette, State Auditors Office (SAO), urged the committee to oppose this bill.

Lynda Brannon, representing herself, stood in opposition of this bill by addressing some of the opening remarks. She stated that HB 471 second guesses the electorate.

{Tape: 1; Side: A; Approx. Time Counter: 25.3 - 32.6}

Informational Testimony:

REP. PAT WAGMAN, HD 62, LIVINGSTON, discussed different articles and sections of the constitution. He also asked, "Do we have constitutional confusion?"

{Tape: 1; Side: B; Approx. Time Counter: 0 - 3.3}

REP. DAVE GALLIK moved that REP. WAGMAN be considered a proponent of this bill as he is one of the sponsors of this bill.

{Tape: 1; Side: B; Approx. Time Counter: 3.3 - 3.6}

Questions From The Committee:

REP. GALLIK inquired if this bill seems to be a movement by the Republicans.

REP. ROSS stated that it is his belief that it is the overall consensus that this issue should be revisited.

REP. VERDELL JACKSON asked how some of the politics may be taken out of the education system utilizing this bill.

REP. ROSS claimed that this is political either way you look at it. There will always be a Republican and a Democrat running for this position. He also read some testimony from the constitutional convention.

REP. JACKSON asked how they could change the system so that monetary influence does not dominate.

REP. ROSS stated that if the Governor appoints this position, the fund-raising for running a campaign would not be relevant.

REP. JACKSON questioned as to what the credentials are for this position.

REP. ROSS attested that according to the constitution, there are no requirements for credentials.

REP. JACKSON asked about the qualifications necessary if this bill passes.

REP. ROSS said that he would leave that part up to the experts. That is not included in HB 471.

CHAIR LINDEEN spoke of the situation of the Land Board members. Right now four members are elected and one member is appointed by the Governor. Her question was how that would be affected by passing this bill.

REP. ROSS claimed that it would stay the same.

{Tape: 1; Side: B; Approx. Time Counter: 3.6 - 11.7}

Closing Statement By Sponsor:

REP. ROSS thanked the committee for a good hearing.

{Tape: 1; Side: B; Approx. Time Counter: 11.7 - 12.4}

HEARING ON HB 624

Sponsor: REP. DAN VILLA, HD 86, ANACONDA

Opening Statement By Sponsor:

REP. VILLA stated that this bill comes post-lawsuit, and hopefully has no purpose. He explained a document that he provided. The funding has not kept up with the spending cap.

EXHIBIT(esh37a01)

{Tape: 1; Side: B; Approx. Time Counter: 12.4 - 17}

Proponents' Testimony:

Lance Melton, MTSBA, provided a document to support HB 624.

EXHIBIT(esh37a02)

Erik Burke, MEA-MFT, stood in support of this bill stating that he really believes that districts have been put in a difficult position.

Darrell Rud, SAM, stated that there are several schools on the brink of disaster.

{Tape: 1; Side: B; Approx. Time Counter: 17 - 21.3}

Opponents' Testimony: None.

{Tape: 1; Side: B; Approx. Time Counter: 21.3 - 21.4}

Informational Testimony: None.

{Tape: 1; Side: B; Approx. Time Counter: 21.4 - 21.5}

Questions From The Committee:

REP. BOB LAKE asked Erik Burke to explain the purpose of soft caps.

Mr. Burke stated that those are used to allow districts to have budgets that will put them at the spot they want to be.

REP. LAKE inquired how many years lapse before the reduction is activated.

Mr. Burke attested that he wasn't absolutely sure but he believed it was five years.

REP. LAKE redirected the question to Lance Melton.

Mr. Melton provided a detailed explanation and stated that most schools have not planned for an eventual decline.

REP. LAKE asked if the five-year increment occurs after the first year.

Mr. Melton stated that it begins the first year that the max budget is smaller than what the schools have planned for.

{Tape: 1; Side: B; Approx. Time Counter: 21.5 - 26.4}

Closing Statement By Sponsor:

REP. VILLA implored the committee to give school districts the opportunity to survive. He claimed there is an elementary school in Anaconda that will be closed. He asked that these schools be given a chance.

{Tape: 1; Side: B; Approx. Time Counter: 26.4 - 30.5}

HEARING ON HB 634

Sponsor: REP. PAT WAGMAN, HD 62, LIVINGSTON

Opening Statement By Sponsor:

REP. WAGMAN spoke about the District Court decision. He stated that he believes the accreditation standards are beyond what the constitution calls for. He talked about the Board of Public Education(BPE) setting policy for the accreditation standards; he questioned if the legislature should have this authority or if the BPE should. He discussed specific portions of the bill and provided several documents to support his testimony.

[EXHIBIT\(esh37a03\)](#)

[EXHIBIT\(esh37a04\)](#)

[EXHIBIT\(esh37a05\)](#)

[EXHIBIT\(esh37a06\)](#)

[EXHIBIT\(esh37a07\)](#)

[EXHIBIT\(esh37a08\)](#)

{Tape: 2; Side: A; Approx. Time Counter: 0 - 3.6}

Proponents' Testimony: None.

{Tape: 2; Side: A; Approx. Time Counter: 3.6 - 3.8}

Opponents' Testimony:

Lance Melton, MTSBA, mentioned the duty of defining a basic system of quality education; this is not it. HB 634 competes with the court decision rather than living with it. He added that this bill will most likely trigger more litigation. It fails to address the issue of transportation. He concluded by stating that it firmly contradicts the court decision.

Bud Williams, OPI, strongly opposes the elimination of the accreditation standards.

Darrell Rud, SAM, stated that the state should not base what children are exposed to and have available to them dependent on the fiscal impact. He questioned, "Where is the quality involved?"

Steve Meloy, BPE, respectfully opposes this bill. He stated that he doesn't know why this branch of government would want to get involved with rule-making.

Erik Burke, MEA-MFT, believes that the foundation of quality lies within the BPE. This bill tries to take the power away from BPE and give it to the legislature. He added that BPE does consider the fiscal impact of the accreditation standards as well.

Lynda Brannon, Montana Association of School Business Officials (MASBO), attested that this bill would put the legislature on a roller coaster ride every two years.

{Tape: 2; Side: B; Approx. Time Counter: 0 - 21.2}

Informational Testimony: None.

{Tape: 2; Side: B; Approx. Time Counter: 21.2 - 21.4}

Questions From The Committee:

REP. LAKE asked Bud Williams how the legislature can fund education based on educationally relevant factors when they don't have input on these.

Mr. Williams stated that he hasn't seen huge changes in the accreditation standards that cost a lot of money. They have changed, but not dramatically.

REP. LAKE asked how the legislature can follow the court decision without the ability to contribute to the establishment of these inputs.

Mr. Williams attested that the educationally relevant factors that REP. WAGMAN inserted in this bill are very good.

REP. LAKE clarified his statement and asked how the legislature can honor the court decision.

Mr. Williams claimed that it is the BPE's responsibility to address the issues of accreditation standards.

REP. TIM DOWELL asked the sponsor to expand on the issue of attracting and retaining teachers in Montana.

REP. WAGMAN stated that issue was left out of the bill. However, not to exclude it completely.

REP. DOWELL inquired about Page 2, Lines 17, 18 which deals with building facilities.

REP. WAGMAN stated that the intent was not to mandate this. He claimed that HB 634 is open to interpretation.

REP. DOWELL commented on Page 2, Line 25 which refers to gifted and talented children.

REP. JACKSON asked if Mr. Williams believed class sizes had decreased due to accreditation standards.

Mr. Williams attested that he doesn't believe that is the problem in Montana.

REP. JACKSON stated that he doesn't remember the accreditation standards involving class size, and asked when this happened.

Mr. Williams claimed that he believed it began in the mid-80's.

REP. JACKSON inquired to the correlation between teacher pay and the size of the classroom.

Mr. Williams stated that by putting more children in the classroom, they can pay the teachers more.

REP. GALLIK asked the sponsor to expand on the possible constitutional train wreck between the legislature and BPE.

REP. WAGMAN claimed the resolution comes from the ultimate authority.

REP. GALLIK asked how the immediate court decision will be satisfied by passing HB 634.

REP. WAGMAN explained that at some point it will be answered; it may not necessarily be in this bill.

REP. GALLIK mentioned if you sit on rights, then you lose them.

REP. WAGMAN expressed that you never know what the courts are going to do.

REP. GALLIK asked the sponsor to point out specific wording that directs him to his position on this bill.

REP. WAGMAN pointed out Page 2. There is a statement that has negative connotations.

{Tape: 3; Side: A; Approx. Time Counter: 0 - 13.9}

Closing Statement By Sponsor:

REP. WAGMAN closed his argument on HB 634 by stating that the legislature is an ATM machine according to BPE.

{Tape: 3; Side: A; Approx. Time Counter: 13.9 - 24.7}

(CHAIR LINDEEN called for a 7 minute break.)

{Tape: 3; Side: A; Approx. Time Counter: 24.7 - 25.3}

HEARING ON HB 309

Sponsor: REP. WILLIAM GLASER, HD 44, HUNTLEY

Opening Statement By Sponsor:

REP. GLASER emphasized the importance of passing this bill. The state is extremely short in the funding of education. He stated, "Some things are more precious than the budget."

{Tape: 3; Side: A; Approx. Time Counter: 25.3 - 31.6}

Proponents' Testimony:

Madalyn Quinlan, OPI, MASBO, MREA, MEA-MFT, MTSBA, supports HB 309.

Opponents' Testimony: None.

Informational Testimony: None.

Questions From The Committee: None.

{Tape: 3; Side: A; Approx. Time Counter: 31.6 - 32.5}

Closing Statement By Sponsor:

REP. GLASER closed.

Written testimony was provided at the end of the hearing from Linda McCulloch, in opposition to HB 471.

EXHIBIT (esh37a09)

ADJOURNMENT

Adjournment: 6:05 P.M.

REP. MONICA LINDEEN, Chairman

KIM LEIGHTON, Secretary

ML/kl

Additional Exhibits:

EXHIBIT ([esh37aad0.PDF](#))